

REMARKS

Claims 1-18 remain pending in this application, with claim 1 being the sole independent claim under consideration. Claims 18-20 have been canceled without prejudice or disclaimer of subject matter.

Claims 1-11 and 15-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,109,437 to Player. Claims 12-14 and 18-20 were rejected under 35 U.S.C. § 103(a) as being obvious from Player in view of U.S. Patent No. 5,697,197 to Simpson.

Applicants submit that independent claim 1, together with the claims dependent therefrom, are patentably distinct from the cited references for at least the following reasons.

Claim 1 is directed to a cladding element for use in a cladding element assembly. The cladding element includes a substantially flat web having a pair of opposed longitudinal edges, and a male rib formation extending at least partially along one longitudinal edge and having a pair of spaced apart inner and outer upstanding ribs and an engaging formation.

The element also includes a female rib formation extending at least partially along the other longitudinal edge and having an inner upstanding rib, an outer depending rib and a joining section, between the inner and outer ribs and displaced from the plane of the web, and a corresponding engaging formation. At least one of the male or female rib formations is at least partially resiliently flexible.

The element is adapted for assembly with a like element by positioning of the male formation substantially within the female formation with their respective engaging formations in engagement, whereby the assembled male and female formations together form a substantially rectangular closed channel adapted for concealment of fixing means used to fix the cladding elements to a supporting structure.

One notable feature of claim 1 is a male rib formation having a pair of spaced-apart inner and outer upstanding ribs. See, for example, inner upstanding rib 20 and outer upstanding rib 24 of Fig. 1 of the present application.<sup>1</sup>

Player, as understood by Applicant, relates to a channel-shaped building panel. Player shows, in Fig. 2, male locking means 19A and web 16A. However, even if male locking means 19A were deemed to correspond to the male rib formation of claim 1, and web 16A were deemed to correspond to the outer upstanding rib of claim 1, nothing in Player would teach or suggest the inner upstanding rib of claim 1.

The Examiner apparently considers leg 27 of Fig. 3 of Player to be the inner upstanding rib of claim 1. Applicant disagrees with this assessment for two reasons. First, the leg 27 of Player does not upstand from the main web, as the inner upstanding rib does in claim 1; in contrast, the leg 27 of Player depends, at an angle, from the distal end of element 16A (which the Examiner apparently believes corresponds to the outer upstanding rib). Second, as elements 16A and leg 27 of Player are connected to each other, they cannot meet the terms of claim 1 of being spaced apart inner and outer upstanding ribs. This difference in construction can have a dramatic effect on how the device shown in Player is installed and functions relative to the cladding element of claim 1.

The cladding element of claim 1 can be installed, for example, as an external roofing sheet (as shown, e.g., in Figs. 2 and 3 of the present application) or as an internal ceiling sheet (as shown, e.g., in Figs. 4 and 5 of the present application). This can double the installation possibilities of the cladding element of claim 1. In the roofing sheet configuration shown in

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<sup>1</sup>It is of course to be understood that the references to various portions of the present application are by way of illustration and example only, and that the claims are not limited by the details shown in the portions referred to.

Figs. 2 and 3, the main central web 12 is positioned adjacent to a supporting batten 42. In the ceiling sheet configuration shown in Figs. 4 and 5, the main web 12 is spaced apart from the batten. In the roofing sheet configuration of Figs. 2 and 3, the fixing screws are driven into the batten through the interior of the male formation, before engagement of the female formation of another cladding element. In the ceiling sheet configuration shown in Figs. 4 and 5, the fixing screws are driven into the batten through the female engaging formation, before engagement of the male formation of another cladding element.

Notably, in both of these configurations, the inner and outer upstanding ribs form the sidewalls of "a substantially rectangular closed channel" (recited in claim 1), which can completely conceal the fixing screws. The absence of a second upstanding rib, as in Player, means that Player does not teach or suggest the claimed rectangular closed channel.

The ability to install the cladding element in the above two configurations, which can be achieved by virtue of the features of claim 1, is not disclosed by Player, as Player discusses installation as a ceiling sheet only. Indeed, if the cladding device of Player were attempted to be installed as a roofing sheet in a manner akin to that shown in Figs. 2 and 3, the screws would be positioned in the web adjacent to the reference numerals 14A or 14B, and therefore would be visible and unappealing to the eye, which is precisely one of the disadvantages the cladding element of claim 1 can overcome. Furthermore, such an installation would be practically impossible as the leg 27 of Player would prevent access to the web, in the area of reference numeral 14A/14B, for any tool attempting to drive such fasteners. The spaced apart upstanding ribs as recited in claim 1 do not suffer from this problem, as the fact that they are spaced apart creates room for tool and fastener access.

Nothing in Player would teach or suggest a male rib formation having a pair of

spaced-apart inner and outer upstanding ribs, as recited in claim 1.

Accordingly, claim 1 is believed to be patentable over Player.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Respectfully Submitted



John Richards  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 31,053  
Tel. No. (212) 708-1915